

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

TOD RAY KEILHOLZ,
a/k/a "Todd Ray Keilholz,"
[DOB: 7/21/1963]

Defendant.

No. 22-cr-04051-RK-01

COUNTS 1 through 8: 18 U.S.C. § 1344(1)

COUNTS 9 through 14: 18 U.S.C. § 1014

NMT 30 Years Imprisonment

NMT \$1,000,000 Fine

NMT 5 Years Supervised Release

Class B Felony

COUNTS 15 through 18

18 U.S.C. § 1001(a)(3)

NMT 5 Years Imprisonment

NMT \$250,000 Fine

NMT 3 Years Supervised Release

Class C Felony

COUNTS 19 through 28

18 U.S.C. § 1028A(a)(1)

NMT 2 Years Imprisonment

(Consecutive to other sentence imposed
on Counts 1-18 and 29-52)

NMT \$250,000

NMT 1 Year Supervised Release

Class E Felony

COUNTS 29 through 52

18 U.S.C. § 1957(a)

NMT 10 Years Imprisonment

NMT \$500,000

NMT 3 Years Supervised Release

Class C Felony

FORFEITURE ALLEGATION

18 U.S.C. §§ 981(a)(1)(A) and (C) and

982(a)(1) and (2)(A)

28 U.S.C. § 2461(c)

\$100 Special Assessment (Each Count)

Mandatory Restitution (Counts 1 through 28)

INDICTMENT

THE GRAND JURY CHARGES THAT:

Introduction and Background

At all times relevant to this Indictment:

The Defendant/Properties/Todd Ray Keilholz Business Entities

1. The defendant, **TOD RAY KEILHOLZ**, a/k/a “Todd Ray Keilholz,” (**KEILHOLZ**), was a resident of the Western District of Missouri, who at various times resided in the Jefferson City, Columbia, and Kansas City, Missouri areas. **KEILHOLZ** was the sole owner of the following entities:

a. TRK Construction, LLC, (TRK Construction) was organized in the State of Missouri on August 23, 2011. On March 8, 2017, **KEILHOLZ** changed the business address to 508 Summerhill Drive, Jefferson, City, Missouri. In a quarterly wage report filed with the Missouri Division of Employment Security (MDES), TRK Construction reported the payment of \$220,741.09 wages to nine (9) employees from January 1, 2019, through March 31, 2019. TRK Construction filed no quarterly wage reports with MDES from April 1, 2019, through September 30, 2020. In a quarterly wage report filed with the Indiana Department of Workforce Development (IDWD), TRK Construction reported the payment of \$103,099.88 wages to five (5) employees from January 1, 2019, through March 31, 2019. TRK Construction filed no quarterly wage reports with IDWD from April 1, 2019, through September 30, 2020.

b. TRK Valpo, LLC, (TRK Valpo) was organized in the State of Missouri on February 22, 2017. TRK Valpo filed no quarterly wage reports with MDES from January

1, 2019, through June 30, 2020. In a quarterly wage report filed with MDES for the third quarter of 2020, TRK Valpo reported the payment of \$145,156.02 wages to MDES for four (4) employees. TRK Valpo filed no quarterly wage reports with IDWD from January 1, 2019, through June 30, 2020. In a quarterly wage report filed with IDWD for the third quarter of 2020, TRK Valpo reported the payment of \$85,264.54 wages for five (5) employees.

c. TL Builders, LLC, (TL Builders) was organized in the State of Missouri on July 21, 2007. On March 28, 2018, **KEILHOLZ** changed the business address to 508 Summerhill Drive, Jefferson City, Missouri. TL Builders filed no quarterly wage reports with MDES from January 1, 2019, through September 30, 2020. TL Builders filed no quarterly wage reports with IDWD from January 1, 2019, through September 30, 2020.

d. Project Design, LLC, (Project Design) was organized in the State of Indiana on November 15, 2018, with a principal business address of 1290 Arrowhead Court, Crown Point, Indiana. On February 5, 2019, **KEILHOLZ** changed the principal address for Project Design to 2005 West Broadway, Suite 100, Columbia, Missouri 65203. Project Design filed no quarterly wage reports with MDES from January 1, 2019, through September 30, 2020. Project Design filed no quarterly wage reports with IDWD from January 1, 2019, through September 30, 2020.

2. In Small Business Administration (SBA) Paycheck Protection Program (PPP) loan applications, **KEILHOLZ** identified his wife as an employee of TRK Construction, TRK Valpo, and Project Design, while **KEILHOLZ'** wife worked as a full-time employee of the State of Missouri as a budget analyst with annual salaries ranging from \$35,952.00 to \$52,337.00. In 2017

and 2018, **KEILHOLZ**' wife personally guaranteed commercial loans made to TRK Construction, LLC. Between February 21, 2019, and May 9, 2020, **KEILHOLZ**' wife wrote personal checks identified as "loan," "investment," "Valpo Investment," and "interest on home loan" in the aggregate amount of \$216,350.00 to TRK Construction and Project Design. Between May 2020 and December 2020, **KEILHOLZ**' wife received business checks from TRK Construction, TRK Valpo, and Project Design funded with PPP loan proceeds in the aggregate amount of \$325,000.00 and denominated as "loan repayments."

3. Prior to March 27, 2020, **KEILHOLZ** through TRK Construction had accrued substantial and delinquent indebtedness to American Express, JP Morgan Chase, Citibank, N.A., NWI Medical Realty, LLC, Bell Hospital Systems, the Kansas City Chiefs Football Club, Renal Treatment Centers-Mid Atlantic, Inc., DVA Renal Healthcare, Inc., Renal Treatment Centers-Illinois, Inc., Total Renal Care, Inc., Adams Masonry, C&C Iron, Inc., C&S Concrete Construction, Inc., Circle R Mechanical, Inc., Emcor-Hyre Electric Company of Indiana, Gluth Brothers Roofing Company, Inc., Imboden Construction, Inc., McAllister Leasing & Excavating, Inc., Trout Glass and Mirror, Inc., Kleckner Interior Systems, Inc., Master Tile Carpet One, Inc., Ryan Fire Protection, Inc., and Hawthorn Bank. All or part of these debts were satisfied by PPP loan proceeds.

Hawthorn Bank

4. Hawthorn Bank was a financial institution headquartered in Jefferson City, Missouri. The deposits of Hawthorn Bank were insured by the Federal Deposit Insurance Corporation (FDIC), under certificate number 10619. Hawthorn Bank maintained a long-term

banking relationship with business entities controlled by **KEILHOLZ**. After March 27, 2020, Hawthorn Bank participated in the SBA's PPP.

5. On or about August 31, 2017, **KEILHOLZ** signed Hawthorn Bank promissory note 101010203 in the amount of \$550,000.00 for TRK Valpo, which financed the purchase of and was secured by the real property located at 1425 Glendale, Valparaiso, Indiana. This loan originally matured on October 15, 2017; however, the maturity date on this loan was extended six times between October 2017 and December 2019, when the maturity date was then extended to February 5, 2020.

6. On or about January 24, 2018, **KEILHOLZ** signed Hawthorn Bank promissory note 101011285 in the amount of \$1,001,020.00 for TRK Construction as a line of credit secured by the real property located at 1425 Glendale, Valparaiso, Indiana. **KEILHOLZ** and his wife each personally guaranteed this loan, which was originally to mature on January 24, 2019. On February 27, 2018, this line of credit was increased to \$1,500,000.00 and the maturity date was extended. On April 27, 2018, this line of credit was increased to \$2,000,000.00 and the maturity date was extended. Finally, in December 2019, the maturity date was extended to February 5, 2020.

7. On or about September 21, 2018, **KEILHOLZ** signed a Hawthorn Bank promissory note 101011737 in the amount of \$976,771.00 for TRK Construction as a line of credit secured by real properties located at 508 Summerhill Drive, Jefferson City, Missouri, and 3311 Shamrock Drive, Jefferson City, Missouri, and 1425 Glendale, Valparaiso, Indiana. To obtain this line of credit, **KEILHOLZ** submitted a document that purported to be his 2017 IRS Form 1040, which materially misstated his income and was never filed with the IRS. **KEILHOLZ** and his

wife each personally guaranteed this loan, which originally was to mature on March 21, 2019. The maturity date of this loan was extended three times during 2019, with a maturity date of February 5, 2020, that was established in December 2019.

8. On or about February 7, 2020, the Hawthorn Bank loan officer responsible for Hawthorn Bank loans 101010203, 101011285, and 101011737, wrote a memorandum to those loan files regarding a phone conference with **KEILHOLZ**. That memorandum stated, in part, as follows, “The Bank indicated he needed to bring the loans current and demonstrate that the project remains viable or the bank would move forward with aggressive collection or liquidation of collateral.”

9. On February 12, 2020, at approximately 9:56 a.m., **KEILHOLZ** sent an e-mail to his Hawthorn Bank loan officer, which made the following materially false statements: “Once we have the issue with City taken care of the investors are ready to move forward,” and “The lease with be this month or first of next and being finalized. The lease wants to see us moving again to make sure we make next year’s deadline for them to move in.”

10. On or about April 28, 2020, Hawthorn Bank entered into a forbearance agreement with TRK Construction and TRK Valpo, and with **KEILHOLZ** and his wife as guarantors of Hawthorn Bank loans 101010203, 101011285, and 101011737. Among other things, this forbearance agreement:

- a. Extended the maturity dates of Hawthorn Bank loans 101010203, 101011285, and 101011737, to July 25, 2020;
- b. Required monthly payments of \$25,000.00 to Hawthorn Bank May 20, 2020, June 20, 2020, and July 20, 2020, on loans 101010203, 101011285, and 101011737;

c. Required TRK Construction and TRK Valpo, and **KEILHOLZ** and his wife as guarantors, to immediately take action to correct and cure any violations of any city ordinances, codes, rules, regulations, and/or statutes with respect to any governmental agency of the City of Valparaiso, Indiana, and the State of Indiana;

d. Required TRK Construction and TRK Valpo, and **KEILHOLZ** and his wife as guarantors, to take action to ensure that their suppliers, laborers, materialmen, or other vendors do not file or record any mechanics liens, or similar liens or encumbrances, with respect to 1425 Glendale Boulevard, Valparaiso, Indiana; and,

e. Required TRK Construction and TRK Valpo, and **KEILHOLZ** and his wife as guarantors, to provide Hawthorn Bank with weekly reports, photographs, and status updates on all construction work with respect to 1425 Glendale Boulevard, Valparaiso, Indiana, or within 24 hours of a request by Hawthorn Bank.

11. On or about July 3, 2020, **KEILHOLZ** purchased a cashier's check at U.S. Bank National Association in the amount of \$3,302,830.61 payable to TRK Construction. This cashier's check was deposited into Hawthorn Bank account ending in 1523 and then applied to the outstanding balances on Hawthorn Bank loans 101010203, 101011285, and 101011737. This cashier's check was funded by the proceeds of a PPP loan made to TL Builders.

The Small Business Administration/The CARES Act/Paycheck Protection Program

12. The SBA was an executive branch agency of the United States government that provided support to entrepreneurs and small businesses. The mission of the SBA was to maintain and strengthen the nation's economy by enabling the establishment and viability of small businesses and by assisting in the economic recovery of communities after disasters. As part of

this effort, the SBA enabled and provided for loans through banks, credit unions and other lenders. These loans had government-backed guarantees.

13. On March 27, 2020, The CARES Act established several new temporary programs and provided for the expansion of others to address the COVID-19 pandemic. Among these programs, the PPP authorized \$349,000,000,000 in forgivable loans to small businesses to retain workers and maintain payroll, make mortgage interest payments, lease payments, and utility payments.

14. The PPP Borrower Application Form required the borrower to submit documentation that established the borrower's eligibility for the loan and to make a series of certifications in order to be approved for the PPP loan by a financial institution. Acceptable documentation to establish eligibility for the PPP loan included payroll processor records, payroll tax filings, Forms 1099-MISC, bank records, or income and expense forms from a sole proprietorship.

15. PPP loans were required to be re-paid over two-years at an interest rate of 1%. The maximum loan amount was \$10,000,000 per business. PPP loans were forgivable for the sum of documented payroll costs, covered mortgage interest payments, covered lease payments, and covered utilities. Originally, not more than 25% of the forgiven amount could have been spent for eligible non-payroll costs. Later, not more than 40% of the forgiven amount could have been spent for eligible non-payroll costs.

U.S. Bank National Association

16. U.S. Bank National Association (US Bank) was a financial institution headquartered in Cincinnati, Ohio, that did business in Jefferson City, Missouri. The deposits of

US Bank were insured by the Federal Deposit Insurance Corporation (FDIC), under certificate number 6548. U.S. Bank maintained a banking relationship with business entities controlled by **KEILHOLZ**. After March 27, 2020, US Bank participated in the SBA's PPP. US Bank made three PPP loans to entities solely owned by **KEILHOLZ**.

17. On April 16, 2020, **KEILHOLZ** applied to US Bank for a PPP loan to TRK Construction. In his application **KEILHOLZ** identified himself as the sole owner, falsely stated the business had 14 employees and an average monthly payroll of \$1,434,424, and falsely certified that the purpose of the loan was to fund payroll, lease and mortgage interest, utilities, and salary/commission. In supporting documentation, **KEILHOLZ** falsely claimed that TRK Construction had \$18,875,308.00 in gross receipts or sales for 2019. On May 8, 2020, **KEILHOLZ** signed the SBA Application and Note for a \$1,706,260.00 PPP loan for TRK Construction. On May 11, 2020, the PPP loan proceeds were deposited into TRK Construction's US Bank account ending in 7961.

18. On May 28, 2020, **KEILHOLZ** applied to US Bank for a \$7,818,705 PPP loan to TRK Valpo based upon a claimed average monthly payroll of \$3,127,482. In IRS Schedule C Forms submitted with the application, **KEILHOLZ** falsely claimed that TRK VALPO had \$39,469,429.00 in gross receipts or sales for 2019. **KEILHOLZ** submitted materially different and false IRS Forms 941, IRS Schedule C's, and MDES and IDWD quarterly payroll wage reports in his application. On May 28, 2020, in supporting documentation, **KEILHOLZ** falsely claimed TRK Valpo employed 12 persons during the first quarter of 2019. On June 11, 2020, in revised documentation, **KEILHOLZ** falsely claimed TRK Valpo employed 170 persons during the first

quarter of 2019. On June 18, 2020, US Bank denied this application because it was unable to verify the required payroll information form TRK Valpo.

19. On June 22, 2020, **KEILHOLZ** applied to US Bank for a PPP loan to TL Builders. In his application **KEILHOLZ** identified himself as the sole owner, falsely stated the business had 180 employees and an average monthly payroll of \$1,447,526, and falsely certified the purpose of the loan was to fund payroll, lease and mortgage interest, and utilities. In supporting documentation, **KEILHOLZ** submitted false IRS Forms 940 and 941 that did not identify employees by name or social security number. On June 30, 2020, **KEILHOLZ** signed the SBA Application and Note for a \$3,618,815.00 PPP loan for TL Builders. On July 2, 2020, the PPP loan proceeds were deposited in TL Builders' US Bank account ending in 2279. In connection with this loan, **KEILHOLZ** submitted a Schedule C for TL Builders that falsely reported gross receipts or sales for 2019 in the amount of \$27,082,030.00.

20. On June 1, 2020, **KEILHOLZ** applied to US Bank for a PPP loan to Project Design. In his application, **KEILHOLZ** identified himself as sole owner, falsely stated the business had 18 employees and an average monthly payroll of \$1,561,543, and certified the purpose of the loan was to fund payroll, lease and mortgage interest, and utilities. In supporting documentation **KEILHOLZ** falsely claimed that Project Design had \$34,654,789.00 in gross receipts or sales for 2019. **KEILHOLZ** provided US Bank with a MDES Quarterly Contribution and Wage Report for the first quarter of 2020 that falsely purported that Project Design paid 215 employees aggregate wages of \$4,785,169.00. The social security numbers **KEILHOLZ** associated to 196 of those purported employees did not match the names of the actual persons assigned to those social security accounts. On July 20, 2020, **KEILHOLZ** signed the SBA

Application and Note for a \$3,903,857.00 PPP loan for Project Design and the PPP loan proceeds were deposited into Project Design's US Bank account ending in 2290.

The Central Trust Bank

21. The Central Trust Bank (Central Bank) was a financial institution headquartered in Jefferson City, Missouri. The deposits of Central Bank were insured by the Federal Deposit Insurance Corporation (FDIC), under certificate number 12633. After March 27, 2020, Central Bank participated in the SBA's PPP. Central Bank made one PPP loan to an entity solely owned by **KEILHOLZ**.

22. On June 17, 2020, **KEILHOLZ** applied to Central Bank for a PPP loan to TRK Valpo. In his SBA Borrower Application Form, **KEILHOLZ** identified himself as the sole owner, falsely stated the business had 170 employees and an average monthly payroll of \$1,280,806, and falsely certified the purpose of the loan was to fund payroll, lease and mortgage interest, and utilities. In supporting documentation, **KEILHOLZ** falsely claimed that TRK Valpo had \$34,200,282.00 in gross receipts or sales for 2019. In supporting documentation, **KEILHOLZ** included MDES and IDWD wage reports for all of 2019 which falsely claimed that TRK Valpo paid aggregate wages of \$15,286,667.00 to approximately 189 purported employees. The social security numbers **KEILHOLZ** associated to 160 of those purported employees did not match the names of the actual persons assigned to those social security accounts. On June 23, 2020, **KEILHOLZ** signed a Promissory Note for a \$3,202,000.00 PPP loan for TRK Valpo and the loan proceeds were deposited into TRK Valpo's Central Bank account ending in 5804.

**Facts Common to PPP Loans Made to
TRK Construction, TL Builders, Project Design, and TRK Valpo**

23. In connection with each of the PPP loans made to TRK Construction, TL Builders, Project Design, and TRK Valpo, in the aggregate amount of \$12,430,932.00, **KEILHOLZ** had to answer the following question: “Is the Applicant or any owner of the Applicant an owner of any other business, or have common management with any other business? If yes, list all such businesses and describe the relationship on a separate sheet identified as addendum A.” **KEILHOLZ** did not identify his common 100% ownership of TRK Construction, TL Builders, Project Design, and TRK Valpo in any completed PPP loan application.

24. In connection with the PPP loans made to TRK Construction, TL Builders, Project Design, and TRK Valpo, **KEILHOLZ** falsely certified the following:

- a. that TRK Construction, TL Builders, Project Design, and TRK Valpo were in operation on February 15, 2020, and had employees to whom salaries were then;
- b. that TRK Construction, TL Builders, Project Design, and TRK Valpo were eligible to receive a PPP loan under the SBA rules in effect at the time of the application;
- c. that TRK Construction, TL Builders, Project Design, and TRK Valpo would only use PPP loan proceeds for business-related purposes specified in the loan application and consistent with SBA rules;
- d. that the purpose for the PPP loans to TRK Construction, TL Builders, Project Design, and TRK Valpo included payroll, lease and mortgage interest, and utilities; and,
- e. the information provided in the PPP loan application, and supporting documentation was true and accurate in all material respects.

COUNTS 1 through 8
(Bank Fraud)
18 U.S.C. § 1344(1)

Scheme and Artifice to Defraud

25. The factual allegations in paragraphs 1 through 24, inclusive, of this Indictment are incorporated by reference as if fully set forth to allege a scheme and artifice to defraud.

26. The purpose of the scheme and artifice to defraud Hawthorn Bank, US Bank, and Central Bank was for the defendant to obtain loans, loan extensions, loan renewals, and loan forbearance on conventional loans by providing materially false information to Hawthorn Bank and to obtain PPP loans by providing materially false eligibility information to US Bank and Central Bank.

27. It was further part of the scheme and artifice in connection with extensions, renewals, and forbearance on conventional loans at Hawthorn bank that **KEILHOLZ** provided Hawthorn Bank with an insufficient funds check in the amount of \$22,749.28 on or about December 31, 2019, for payment of interest on Hawthorn Bank loans 101010203, 101011285, and 101011737.

28. It was further part of the scheme and artifice in connection with the US Bank PPP loan to TRK Construction that **KEILHOLZ** provided US Bank with the following materially false forms: an IRS Form 941 for the fourth quarter of 2019, IDWD Quarterly Payroll Reports for the second, third, and fourth quarters of 2019, and MDES Quarterly Contribution and Wage Reports for the second, third, and fourth quarters of 2019.

29. It was further part of the scheme and artifice in connection with the US Bank PPP loan to TL Builders that **KEILHOLZ** provided US Bank with the following materially false forms: an IRS Form 940 for 2019, IRS Forms 941 for all four quarters of 2019.

30. It was further part of the scheme and artifice in connection with the US Bank PPP loan to Project Design that **KEILHOLZ** provided US Bank with the following materially false forms: IRS Forms 941 for all four quarters of 2019, and the first quarter of 2020, and a MDES Quarterly Contribution and Wage Report for the first quarter of 2020.

31. It was further part of the scheme and artifice in connection with the US Bank PPP loan application of TRK Valpo that **KEILHOLZ** provided US Bank with the following materially false forms: IRS Forms 941 for all four quarters of 2019, IRS Schedule C Forms, MDES Quarterly Contribution and Wage Reports for all four quarters of 2019, and IDWD for all four quarters of 2019.

32. It was further part of the scheme and artifice in connection with the Central Bank PPP loan to TRK Valpo that **KEILHOLZ** provided Central Bank with the following materially false forms: an IRS Form 940 for 2019, MDES Quarterly Contribution and Wage Reports for all four quarters of 2019, and IDWD Quarterly Payroll Reports for all four quarters of 2019.

33. It was further part of the scheme and artifice that **KEILHOLZ** falsely attested that the information in the PPP loan applications for TRK Construction, TL Builders, Project Design, and TRK Valpo were true and accurate.

34. It was further part of the scheme and artifice in connection with the expenditure of PPP loan proceeds that **KEILHOLZ** used PPP loan proceeds for unauthorized purposes other than legitimate payroll, lease and mortgage interest, and utilities as required by the PPP.

Execution of the Scheme and Artifice to Defraud

35. On or about the dates set forth in each individual count, within Cole County and elsewhere within the Western District of Missouri, and elsewhere, the defendant, **TOD RAY KEILHOLZ**, a/k/a “Todd Ray Keilholz,” executed and attempted to execute the above-described scheme and artifice to defraud, as follows:

| COUNT | DATE | ACT OR ATTEMPTED ACT OF EXECUTION |
|-------|------------|--|
| 1 | 12/31/2019 | Passed check number 5191, in the amount \$22,749.28, and drawn upon TRK Construction’s US Bank account ending in 7961 at Hawthorn Bank when KEILHOLZ knew there were insufficient funds to pay that check at the time it was written and the time it was passed. |
| 2 | 4/16/2020 | Provided US Bank with IDWD and MDES quarterly wage reports for the fourth quarter of 2019 for TRK Construction to prove its eligibility for a PPP loan, when TRK Construction did not file these reports with the States of Indiana and Missouri and paid only \$27,469.09 in wages. |
| 3 | 6/11/2020 | Provided US Bank with MDES Quarterly Contribution and Wage Reports for all quarters of 2019 for TRK Valpo to prove its eligibility for a PPP loan, when TRK Valpo did not file these reports with the State of Missouri and paid no wages. |
| 4 | 6/17/2020 | Provided Central Bank with MDES Quarterly Contribution and Wage Reports for all quarters of 2019 for TRK Valpo to prove its eligibility for a PPP loan, when TRK Valpo did not file these reports with the State of Missouri and paid no wages. |
| 5 | 6/25/2020 | Provided US Bank with IRS Forms 941 for all quarters of 2019 as an attachment to prove the eligibility of TL Builders for a PPP loan from US Bank, when TL Builders did not file these reports with the Internal Revenue Service and paid no wages. |
| 6 | 7/14/2020 | Provided US Bank with a MDES Quarterly Contribution and Wage Report for the first quarter of 2020 for Project Design to prove its eligibility for a PPP loan from US Bank, when Project Design did not file this report with the State of Missouri and paid no wages. |
| 7 | 5/20/2021 | Submitted an SBA Form 3508EZ (01/21) to US Bank that falsely represented that the entire amount of the \$3,618,815 PPP loan to TL Builders was spent on payroll expenses to cause US Bank to certify to the SBA that the entire \$3,618,815 PPP loan should be forgiven. |
| 8 | 9/23/2021 | Submitted an SBA Form 3508 (07/21) to US Bank that falsely represented that the entire amount of the \$1,706,260 PPP loan to TRK Construction was spent on payroll expenses to cause US Bank to certify to the SBA that the entire \$1,706,260 PPP loan should be forgiven. |

36. All in violation of Title 18, United States Code, Section 1344(1).

COUNTS 9 through 14
(False Statements to a Financial Institution)
18 U.S.C. § 1014

37. On or about the dates set forth below in each individual count, in Cole County and elsewhere in the Western District of Missouri, and elsewhere, the defendant, **TOD RAY KEILHOLZ**, a/k/a “Todd Ray Keilholz,” knowingly made and caused to be made the false report and statement of fact identified in each individual count for the purpose of influencing the actions of the FDIC insured financial institution identified in each individual count:

| COUNT | DATE | MATERIALLY FALSE REPORT AND STATEMENT OF FACT |
|-------|-----------|--|
| 9 | 9/21/2018 | A purported 2017 IRS Form 1040 Tax Return for KEILHOLZ which stated on line 12 business income of \$6,255,433 and was never filed with the IRS. |
| 10 | 2/12/2020 | E-mail sent from KEILHOLZ to a loan officer at Hawthorn Bank at approximately 9:56 a.m. |
| 11 | 5/8/2020 | US Bank SBA Payroll Protection Plan Promissory Note (Form PLNTEUSBR01 04/2020) for TRK Construction. |
| 12 | 6/23/2020 | Central Bank Borrower Certification for TRK Valpo. |
| 13 | 6/30/2020 | US Bank SBA Payroll Protection Plan Promissory Note (Form PLNTEUSBR01 04/2020) for TL Builders. |
| 14 | 7/20/2020 | US Bank SBA Payroll Protection Plan Promissory Note (Form PLNTEUSBR01 06/2020) for Project Design. |

38. All in violation of Title 18, United States Code, Sections 1014 and 2.

COUNTS 15 through 18
(False Statements to the Small Business Administration)
18 U.S.C. § 1001

39. On or about the dates set forth below in each individual count, in Cole County and elsewhere within the Western District of Missouri, and elsewhere, the defendant, **TOD RAY KEILHOLZ**, a/k/a “Todd Ray Keilholz,” in a matter within the jurisdiction of the SBA, an agency of the United States, did knowingly and willfully make and use the materially false writing and document identified in each individual count:

| COUNT | DATE | MATERIALLY FALSE WRITING AND DOCUMENT |
|-------|-----------|---|
| 15 | 5/8/2020 | Paycheck Protection Program SBA Borrower Application Form for TRK Construction. |
| 16 | 6/17/2020 | Paycheck Protection Program SBA Borrower Application Form for TRK Valpo. |
| 17 | 6/30/2020 | Paycheck Protection Program SBA Borrower Application Form for TL Builders. |
| 18 | 7/20/2020 | Paycheck Protection Program SBA Borrower Application Form for Project Design. |

40. All in violation of Title 18, United States Code, Section 1001.

COUNTS 19 through 28
(Aggravated Identity Theft)
18 U.S.C. § 1028A(a)(1)

41. On or about the dates set forth below, in Cole County and elsewhere within the Western District of Missouri, and elsewhere, in each individual count, the defendant, **TOD RAY KEILHOLZ**, a/k/a “Todd Ray Keilholz,” knowingly used, without lawful authority, the means of identification of another person, during and in relation to the commission of a felony enumerated in 18 U.S.C. § 1028A(c)(1), that is, Bank Fraud, knowing that the means of identification belonged to another actual person:

| Count | Date | Means of Identification | Enumerated Felony Charged |
|-------|-----------|---|----------------------------------|
| 19 | 6/11/2020 | Name and Social Security number of M.S.P. | Bank Fraud as charged in Count 3 |
| 20 | 6/17/2020 | Name and Social Security number of M.S.P. | Bank Fraud as charged in Count 4 |
| 21 | 6/11/2020 | Social Security number of D.N. | Bank Fraud as charged in Count 3 |
| 22 | 6/17/2020 | Social Security number of D.N. | Bank Fraud as charged in Count 4 |
| 23 | 6/11/2020 | Social Security number of L.M.H. | Bank Fraud as charged in Count 3 |
| 24 | 6/17/2020 | Social Security number of L.M.H. | Bank Fraud as charged in Count 4 |
| 25 | 6/11/2020 | Social Security number of J.R.W. | Bank Fraud as charged in Count 3 |
| 26 | 6/17/2020 | Social Security number of J.R.W. | Bank Fraud as charged in Count 4 |
| 27 | 6/11/2020 | Name and Social Security number of T.R.M. | Bank Fraud as charged in Count 3 |
| 28 | 6/17/2020 | Name and Social Security number of T.R.M. | Bank Fraud as charged in Count 4 |

42. All in violation of Title 18, United States Code, Section 1028A(a)(1).

COUNTS 29 through 52

(Engaging in Monetary Transactions in Property Derived from Specified Unlawful Activity)
18 U.S.C. § 1957(a)

43. On or about the dates set forth below in each individual count, in Cole County and elsewhere within the Western District of Missouri, and elsewhere, the defendant, **TOD RAY KEILHOLZ**, a/k/a “Todd Ray Keilholz,” knowingly engaged and attempted to engage in the following monetary transactions by, through, or to a financial institution, affecting interstate or foreign commerce, in criminally derived property of a value greater than \$10,000, that is the deposit and transfer of funds and monetary instruments, such property having been derived from a specified unlawful activity, that is, bank fraud in violation of 18 U.S.C. § 1344(1):

| COUNT | DATE | MONETARY TRANSACTION |
|-------|-----------|---|
| 29 | 5/11/2020 | Wire transferred \$700,000.00, funded by PPP loan proceeds, from TRK Construction’s US Bank account ending in 7961, to Tauber Law Office’s IOLTA for “Property Purchase/Refinance.” |
| 30 | 5/11/2020 | Wrote check number 8011, funded by PPP loan proceeds, drawn on TRK Construction’s US Bank account ending in 7961, payable to his wife in the amount of \$200,000.00, for “loan repayment,” that was paid on May 12, 2020. |
| 31 | 5/11/2020 | Wrote check number 8013, funded by PPP loan proceeds, drawn on TRK Construction’s US Bank account ending in 7961, payable to McAllister Leasing & Excavating, in the amount of \$100,000.00, for “Valpo Excavating” that was paid on May 12, 2020. |
| 32 | 5/11/2020 | Wrote check number 8012, funded by PPP loan proceeds, drawn on TRK Construction’s US Bank account ending in 7961, payable to Adams Masonry, in the amount of \$100,000.00, for “Valpo Masonry” that was paid on May 13, 2020. |
| 33 | 6/24/2020 | Wire transferred \$1,500,000.00, funded by PPP loan proceeds, from TRK Valpo’s Central Bank account ending in 5804, to Tauber Law Office’s IOLTA, for “Payroll/Rent.” |
| 34 | 6/26/2020 | Wire transferred \$54,143.23, funded by PPP loan proceeds, from TRK Valpo’s Central Bank account ending in 5804, to ACS Asset Compliant Solutions to payoff a Kubota Compact Track Loader SVL75-2HFWC, serial number 36862, equipped with a Land Pride AP-PFL5560, serial number 1058098K, and a Kubota Ap-HD74LLC. |

| COUNT | DATE | MONETARY TRANSACTION |
|--------------|-------------|---|
| 35 | 7/3/2020 | Withdrew \$3,302,830.61 in cash, funded by PPP loan proceeds, from TL Builder's US Bank account ending in 2279, purchased a \$3,302,830.61 cashier's check, payable to TRK Construction, and deposited that cashier's check into TRK Construction's Hawthorn Bank account ending in 1523 to payoff outstanding conventional loans of TRK Construction and TRK Valpo at Hawthorn Bank. |
| 36 | 7/20/2020 | Wrote check number 5080, funded by PPP loan proceeds, drawn on Project Design's US Bank account ending in 2290, payable to his wife in the amount of \$50,000.00, for "loan repayment," that was paid on July 20, 2020. |
| 37 | 7/20/2020 | Wrote check number 5081, funded by PPP loan proceeds, drawn on Project Design's US Bank account ending in 2290, payable to C.K., his ex-wife, in the amount of \$75,000.00, for "loan repayment," that was paid on July 20, 2020. |
| 38 | 7/22/2020 | Wire transferred \$1,000,000.00, funded by PPP loan proceeds, from Project Design's US Bank account ending in 2290, to Tauber Law Office's IOLTA, for "Purchase Goods/Services." |
| 39 | 8/4/2020 | Wrote check number 8040, funded by PPP loan proceeds, drawn on TRK Construction's US Bank account ending in 7961, payable to Pulse Design Group, Inc. in the amount of \$333,258.00 for "VALPO Expenses, Architect," that was paid on August 5, 2020. |
| 40 | 8/10/2020 | Wrote check number 5005, funded by PPP loan proceeds, drawn on TRK Valpo's US Bank account ending in 8843, payable to C.K., his ex-wife, in the amount of \$25,000.00, for "PR," that was paid on August 10, 2020. |
| 41 | 8/11/2020 | Wrote check number 7010, funded by PPP loan proceeds, drawn on Project Design's US Bank account ending in 2290, payable to BMW Financial Services in the amount of \$46,355.01, to pay-off a loan on a 2019 BMW X5 xDrive 40i, VIN 5UXCR6C53KLK87363 titled to TRK Construction. |
| 42 | 8/18/2020 | Withdrew \$18,262.00 in cash, funded by PPP loan proceeds, from TL Builders' US Bank account ending in 2279, and purchased a cashier's check in that amount payable to Jim Butler Chevrolet for the purchase of a 2020 Chevrolet Silverado 3500HD, VIN 1GC4YVEY6LF284743, titled to Project Design. |
| 43 | 8/24/2020 | Wrote check number 5006, funded by PPP loan proceeds, drawn on TRK Valpo's US Bank account ending in 8843, payable to C.K., his ex-wife, in the amount of \$25,000.00, that was paid on August 24, 2020. |
| 44 | 9/14/2020 | Wrote check number 5008, funded by PPP loan proceeds, drawn on TRK Valpo's US Bank account ending in 8843, payable to his wife in the amount of \$25,000.00, for "loan repayment," that was paid on September 14, 2020. |

| COUNT | DATE | MONETARY TRANSACTION |
|-------|------------|---|
| 45 | 9/25/2020 | Wrote check number 5194, funded by PPP loan proceeds, drawn on TRK Construction's US Bank account ending in 7961, payable to Heritage Tractor, in the amount of \$12,623.05, for the purchase of a 2020 John Deere Z950R ZTrak, PIN 1TC950RCKLT080362, that was paid on September 29, 2020. |
| 46 | 10/7/2020 | Wrote check number 7020, funded by PPP loan proceeds, drawn on Project Design's US Bank account ending in 2290, payable to C.K., his ex-wife, in the amount of \$25,000.00, for "loan repayment," that was paid on October 15, 2020. |
| 47 | 10/9/2020 | Withdrew \$49,326.53 in cash, funded by PPP loan proceeds, from TL Builders' US Bank account ending in 2279, and purchased a cashier's check in that amount payable to Cole County Abstract & Title Co. for the purchase of real properties located at 405 Pheasant Run, Jefferson City, Missouri, and 6505 Parkview Avenue, Jefferson City, Missouri. |
| 48 | 10/15/2020 | Wrote check number 7022, funded by PPP loan proceeds, drawn on Project Design's US Bank account ending in 2290, payable to his wife in the amount of \$25,000.00, for "loan repayment," that was paid on October 15, 2020. |
| 49 | 11/2/2020 | Withdrew \$73,000.00 in cash, and \$543.00 in cash, funded by PPP loan proceeds, from TRK Construction's US Bank account ending in 7961, and purchased a \$73,543.00 cashier's check payable to Jim Butler Chevrolet for the purchase of a 2021 Chevrolet Tahoe, VIN 1GNSKTLK4MR108934, titled to A.O.B. |
| 50 | 11/18/2020 | Withdrew \$22,401.00 in cash, funded by PPP loan proceeds, from Project Design's US Bank account ending in 2290, and purchased a cashier's check in that amount payable to Jim Butler Chevrolet for the purchase a 2021 Chevrolet Silverado 3500, VIN 1GC4YUEY9MF114677 and a 2021 Chevrolet Silverado 1500, VIN 1GCRYAEF4MZ115821, both titled to TL Builders. |
| 51 | 12/3/2020 | Wrote check number 7028, funded by PPP loan proceeds, drawn on Project Design's US Bank account ending in 2290, payable to his wife in the amount of \$25,000.00, for "loan repayment," that was paid on December 3, 2020. |
| 52 | 1/7/2021 | Wrote check number 7030, funded by PPP loan proceeds, drawn on Project Design's US Bank account ending in 2290 payable to himself in the amount of \$170,000.00, for "Settlement/Property Bought," withdrew \$10,000 in cash from Project Design's US Bank account ending in 2290, purchased a \$170,000 cashier's check and a \$5,000 cashier's check, both payable to his attorney to settle a lawsuit filed by the Kansas City Chiefs Football Club. |

44. All in violation of Title 18, United States Code, Section 1957(a).

FORFEITURE ALLEGATION

45. The factual allegations of this Indictment are re-alleged and incorporated as though fully set forth herein for the purpose of alleging forfeiture to the United States pursuant to the provisions of Title 18, United States Code, Sections 981(a)(1)(A) and (C) and 982(a)(1) and (2)(A), and Title 28, United States Code, Section 2461.

46. As a result of the offenses alleged in this Indictment in Counts 1 through 52, inclusive, and pursuant to Title 18, United States Code, Sections 981(a)(1)(A) and (C) and 982(a)(1) and (2)(A) and Title 28, United States Code, Section 2461, the defendant, **TOD RAY KEILHOLZ**, a/k/a “Todd Ray Keilholz,” as to the Indictment, shall forfeit to the United States all property, real and personal, constituting, involved in, and derived from any proceeds the defendant obtained directly and indirectly as a result of the violations incorporated by reference in this Forfeiture Allegation. Including but not limited to the following:

Real Property

47. The real property known and numbered as 508 Summerhill Drive, Jefferson City, Missouri, with all its appurtenances, improvements, and attachments thereon, and is more fully described as:

LOT NO. 60, PARKVIEW MEADOWS, SECTION 2, PER PLAT OF RECORD IN PLAT BOOK 12, PAGE 278, COLE COUNTY RECORDER'S OFFICE; SAID PARKVIEW MEADOWS, SECTION 2, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 44 NORTH, RANGE 13 WEST, AND PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 45 NORTH, RANGE 13 WEST.

48. The real property known and numbered as 405 Pheasant Run, Jefferson City, Missouri, with all its appurtenances, improvements, and attachments thereon, and is more fully described as:

LOT NO 54, PARKVIEW MEADOWS SECTION 2, PER PLAT OF RECORD IN PLAT BOOK 12, PAGE 278, COLE COUNTY RECORDER'S OFFICE; SAID PARKVIEW MEADOWS SECTION 2, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 44 NORTH, RANGE 13 WEST, AND PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 45 NORTH, RANGE 13 WEST.

49. The real property known and numbered as 6506 Parkview Avenue, Jefferson City, Missouri, with all its appurtenances, improvements, and attachments thereon, and is more fully described as:

LOT NO. 17, PARKVIEW MEADOWS SECTION 1, PER PLAT OF RECORD IN PLAT BOOK 12, PAGE 227, COLE COUNTY RECORDER'S OFFICE; SAID PARKVIEW MEADOWS SECTION 1, BEING A SUBDIVISION OF PART OF THE NORTH HALF OF SECTION 2, TOWNSHIP 44 NORTH, RANGE 13 WEST, AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 45 NORTH, RANGE 13 WEST.

50. The real property known and numbered as 1425 Glendale Boulevard, Valparaiso, Indiana, with all its appurtenances, improvements, and attachments thereon, and is more fully described as:

LOT 4 IN PORTER MEDICAL ADDITION, IN THE CITY OF VALPARAISO, AS PER PLAT THEREOF, RECORDED IN PLAT FILE 20-B-1, IN THE OFFICE OF THE RECORDER OF PORTER COUNTY, INDIANA.

51. The real property known and numbered as 3311 Shamrock Drive, Jefferson City, Missouri, with all its appurtenances, improvements, and attachments thereon, and is more fully described as:

LOT NO. 1, SHAMROCK HILLS, PER PLAT OF RECORD IN PLAT BOOK 11, PAGE 691, COLE COUNTY RECORDER'S OFFICE; SAID SHAMROCK HILLS, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 25, AND PART OF THE NORTHEAST QUARTER OF SECTION 26, ALL IN TOWNSHIP 44 NORTH, RANGE 11 WEST.

52. The real property known and numbered as 3319 Shamrock Drive, Jefferson City, Missouri, with all its appurtenances, improvements, and attachments thereon, and is more fully described as:

LOT NO. 2, SHAMROCK HILLS, PER PLAT OF RECORD IN PLAT BOOK 11, PAGE 691, COLE COUNTY RECORDER'S OFFICE; SAID SHAMROCK HILLS, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 25, AND PART OF THE NORTHEAST QUARTER OF SECTION 26, ALL IN TOWNSHIP 44 NORTH, RANGE 11 WEST.

53. The real property known and numbered as 3539 Monroe Street, La Porte, Indiana, Parcel number: 461105301007000058, with all its appurtenances, improvements, and attachments thereon, and is more fully described as:

A parcel of land in the Southwest Quarter of Section 5, Township 36 North, Range 2 West of the Second Principal Meridian, located in the City of LaPorte, Indiana, said parcel more particularly described as follows: Commencing at the Northwest corner of the Southwest Quarter of said Section 5; thence South 00° 00' 00" West, along the West line of said Southwest Quarter, 545.68 feet to the centerline of Indiana State Road Number 4; thence South 67° 07' 00" East, along said centerline, 426.03 feet; thence North 00° 00' 14" East, 38.00 feet to the North Right-of- Way line of said State Road Number 4, said point being the Point of Beginning; thence continuing North 00° 00' 14" East, 372.12 feet; thence South 89° 59' 46" East, 105.68 feet; thence South 71° 42' 03" East, 496.05 feet to the West line of a parcel of land conveyed to Alford L. & Norma J. Hughes by Document Number 2014R-11332 in the Office of the Recorder of La Porte County, Indiana; thence South 18° 01' 34" West, along said West line, 425.10 feet to the North line of the 70 foot Right-of-Way of Indiana State Road Number 4; thence North 67° 07' 00" West, along said Right-of-Way, 483.15 feet to the Point of Beginning, containing 5.00 acres, more or less.

Personal Property

54. A 2020 Chevrolet Silverado 3500HD, VIN 1GC4YVEY6LF284743, titled to Project Design.

55. A 2021 Chevrolet Tahoe, VIN 1GNSKTKL4MR108934, titled to A.O.B.

56. A 2021 Chevrolet Silverado 3500, VIN 1GC4YUEY9MF114677 titled to TL Builders.

57. A 2021 Chevrolet Silverado 1500, VIN 1GCRYAEF4MZ115821 titled to TL Builders.

58. A 2019 BMW X5 xDrive 40i, VIN 5UXCR6C53KLK87363 titled to TRK Construction.

59. A 2020 John Deere Z950R ZTrak, PIN 1TC950RCKLT080362 purchased by **KEILHOLZ**.

60. A 2020 John Deere Select Series X390 Tractor 48 Accel Deep (48A) Mower Deck, PIN 1MOX390ATLM091818, purchased by **KEILHOLZ**.

61. A Kubota Compact Track Loader SVL75-2HFWC, serial number 36862, equipped with a Land Pride AP-PFL5560, serial number 1058098K, and a Kubota Ap-HD74LLC purchased by TRK Construction.

Money Judgement

62. A money judgment representing proceeds obtained by the defendant, in that, the sum in aggregate constitutes and derived from proceeds traceable to the offenses set forth in the Indictment and all property involved in and derived from proceeds from the money laundering offenses.

Substitute Assets

63. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;

- b. has been transferred, sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p) as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of forfeitable property, including but not limited to the following:

64. a 2017 Ford F250 Lariat, VIN# 1FT7W2BT9HEC54224 titled to TRK Construction;

65. a 2019 Doolittle Utility Trailer; VIN# 1DGRSA1215KM033719 titled to **KEILHOLZ** and TRK Construction;

66. a 2012 Doolittle Utility Trailer; VIN# 1DGRS0810CM098206 titled to Lisa Keilholz;

67. a 2013 Cargo Trailer; 20 foot enclosed; VIN# 56JTE202XDA131723 titled to TRK Construction; and,

68. a 2012 Cargo Trailer; 16 foot enclosed; VIN# 16HCB1014CH194017 titled to TRK Construction.

A TRUE BILL.

Casey Castrop
FOREPERSON OF THE GRAND JURY

Michael S. Oliver

Michael S. Oliver

Assistant United States Attorney

Missouri Bar No. 41832

Dated: September 13th, 2022